

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/613,296
Inventor(s) : Bruce William Lavash
Filed : July 3, 2003
Art Unit : 3761
Examiner : Jacqueline F. Stephens
Docket No. : 9322
Confirmation No. : 3945
Customer No. : 27752
Title : SANITARY NAPKIN FOR DYNAMIC BODY FIT

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

INTRODUCTORY REMARKS

In response to the Examiner's Answer of April 28, 2009, please consider the following remarks and reconsider the application. Enclosed herewith is a Request for Oral Hearing.

Remarks begin on page 2 of this paper.

Appl. No. 10/613,296
Docket No. 9322
Reply Brief dated June 26, 2009
Reply to Examiner's Answer mailed on April 28, 2009
Customer No. 27752

REMARKS

Appellants wish to address the Examiner's interpretation of Chen et al. with respect to the element of Claim 1 which requires that "the joining of the facing layer and the first absorbent layer is substantially limited to the portions of the facing layer intermediate the at least one first absorbent layer zone of enhanced extensibility". Appellants respectfully point out that this claim limitation requires that any joining of the facing layer and the first absorbent layer substantially occur only outside the zones of enhanced extensibility.

It is the Examiner's interpretation of Chen et al. that Chen et al. disclose

an absorbent member having crease lines for downward deflection (paragraphs 0038, 0040). Chen further teaches the crease lines are created by bonding a portion of the cover to a compresses portion of the absorbent material (paragraph 0050). The bonding of the cover to the absorbent member at the crease lines creates crease lines in the top cover as well. The crease lines provide the means for enhanced extensibility for the absorbent core; therefore, the crease lines provide means for enhanced extensibility for the top cover.

See Examiner's Answer at pages 5-6.

Taking this interpretation of Chen et al., Chen et al. therefore teach that the cover layer is joined to the absorbent layer only at the zones of enhanced extensibility. In contrast, the present claims require that the facing layer and the first absorbent layer be substantially joined only outside the zones of enhanced extensibility. While Appellants acknowledge that the term "substantially" allows for some minor amount of joining of the facing layer and the first absorbent layer occur at the zones of enhanced extensibility, the present claims require that the facing layer and first absorbent layer are primarily joined outside the zones of enhanced extensibility. Under the Examiner's interpretation of Chen et al. quoted above, Chen et al. teach that the cover and absorbent layer are joined only at the zones of enhanced extensibility and not outside the zones of enhanced extensibility, as required by the present claims. In light of this distinction, as well as the additional arguments presented in Appellants' Appeal Brief dated January 21, 2009, Appellants respectfully submit that Chen et al. clearly do not anticipate the presently claimed invention. Appellants therefore respectfully request that the present rejection be reversed.

Appl. No. 10/613,296
Docket No. 9322
Reply Brief dated June 26, 2009
Reply to Examiner's Answer mailed on April 28, 2009
Customer No. 27752

Conclusion

In view of the foregoing, reconsideration of this application and allowance of the pending claims are respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By /Jason J. Camp/
Signature
Jason J. Camp
Registration No. 44,582
(513) 983-7923

Date: June 26, 2009
Customer No. 27752